

see form PCT/ISA/220

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/GB2004/003501	International filing date (day/month/year) 16.08.2004	Priority date (day/month/year) 16.08.2003	
International Patent Classification (IPC) or both national classification and IPC E21B19/16, E21B33/068, E21B33/08, E21B21/10, F16K5/06, F16K5/02			
Applicant coupler developments			

1. This opinion contains indications relating to the following items:

- Box No. I** Basis of the opinion
- Box No. II** Priority
- Box No. III** Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV** Lack of unity of invention
- Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI** Certain documents cited
- Box No. VII** Certain defects in the international application
- Box No. VIII** Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 68.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office - P.O. Box 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	van Berlo, A Telephone No. +31 70 340-3535
	

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of International search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(c)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,

claims Nos. 1-55

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-55 are so unclear that no meaningful opinion could be formed (specify):

see separate sheet

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the whole application or for said claims Nos.

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See separate sheet for further details

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item III**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The various definitions of the subject-matter given in the plurality of independent claims, each reciting a different combination of limitations expressed at different levels of generalizations and largely repetitive, are such that the claims as a whole are not clear and concise. The requirements of Article 6 PCT, therefore, are not met.
 - 1.1 Consequently, the different combinations of features recited in the plurality of independent claims do not allow to correctly identify "the claimed invention" on which an opinion in the sense of Article 33.1 PCT should be based.
 - 1.2 Therefore, this presentation of a number of independent claims makes it difficult, if at all possible, to determine the matter for which protection is sought and places an undue burden to others seeking to establish the extent of monopoly requested. For this reason a full substantive preliminary examination cannot be carried out until the claims meet Article 6 PCT.
 - 1.3 In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

2. In the light of the Guidelines, GL E-II, 1 the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which said amendments are based. For the sake of efficiency, it is requested that an additional copy containing indicated amendments be forwarded together with any clear replacement pages.

Re Item VII

- The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
- The features of the claims are not provided with reference signs placed in

parentheses (Rule 6.2(b) PCT).

Re Item VIII**Certain observations on the clarity of the claims**

- Negative limitations as used in claim 39 and 40 may be used only if adding positive features to the claim either would not define more clearly and concisely the subject-matter still protectable or would unduly limit the scope of the claim, see Guidelines, GL C-III, 4.12. Furthermore the use of and/or in claim 39 creates an unreasonable number of options.
- Claim 49 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claim attempts to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.